

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

JAMES EUGENE LARIVE, JR.,  Plaintiff,  vs.  UNITED STATES OF AMERICA,  Defendant.	5:16-CV-05078-JLV  ORDER
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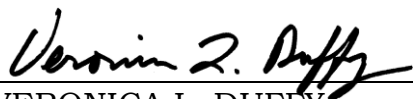
Movant, James Eugene Larive, Jr., has filed a pro se motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. From a reading of the motion, the court cannot determine that “it plainly appears from the face of the petition . . . that the petitioner is not entitled to relief in the district court” warranting summary dismissal pursuant to Rule 4 of the Rules Governing Section 2255 Cases in the United States District Court. Therefore, it is

ORDERED that the Clerk of Court will deliver or serve a copy of the motion on the United States Attorney for the District of South Dakota.

IT IS FURTHER ORDERED that the United States Attorney for the District of South Dakota will serve and file an answer or responsive pleading to the motion, together with a legal brief or memorandum, on or before September 30 2016.

DATED this 30th day of August, 2016.

BY THE COURT:

  
VERONICA L. DUFFY  
United States Magistrate Judge